

Naples City Council

February 23, 2012

Minutes

The regularly scheduled meeting of the Naples City Council was held February 23, 2012, 7:30 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Dennis Long, Dan Olsen, and Kenneth Reynolds. Gordon Kitchen was absent.

COUNCIL MEMBERS ATTENDING

Others attending were Mike Wilson, Kelly Heitz, Jim Harper, Shane Mayberry, Lorna Mayberry, Kalene Gamble, James Richards, Bret Stringham, Craig Blunt, Mark Watkins, Connie Patton, Chris Hoem, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Robert Hall offered the invocation.

OPENING CEREMONY

Mayor Baker asked for approval of the agenda. Nikki Kay wanted to include an additional business license approval and Councilman Hall wanted to talk about the airport under Other Matters. Dennis Long **moved** to approve the agenda with the changes. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of February 9, 2012. Dan Olsen **moved** to accept the minutes of February 9, 2012 as presented. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Mayor Baker asked if anyone had anything to discuss or follow up on from the previous meeting. There was no discussion.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$34,670.03 and asked for approval to pay them. Councilman Long asked about the bill to sand blast the sweeper and wanted to know if it was the same discussion item that was on the agenda. Jim Harper stated they were two different items. The matter on the agenda was seeking approval to

APPROVAL OF THE BILLS

sand blast the dump truck. Dennis Long **moved** to accept the amount of \$34,670.03. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Fleet Pride, Inc. - A business license application was received from Fleet Pride, Inc. fka Page Brake. Nikki Kay explained that Page Brake was purchased by Fleet Pride, Inc. and this would be a company buy out with a name change. Robert Hall **moved** to approve the business license for Fleet Pride, Inc. Dan Olsen **seconded** the motion. The motion passed with all voting aye.

BUSINESS LICENSE APPROVALS

V. R. Homes, LLC. - A business license application was received from V. R. Homes, LLC. Nikki Kay stated this would be a home occupation business license and the owners were building two spec homes in the area. Dennis Long **moved** to approve the home occupation business license conditional upon receiving a signed home occupation agreement. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Mayor Baker said he wanted to allow time in this meeting to discuss the request and recommendation to change the set backs in an R-1 zone, presented to the Council at the February 9, 2012 meeting. Mayor Baker explained that a builder for Sunstone Subdivision has made a request to shorten the setbacks in order for them to build nicer homes in the subdivision. Jim Richards of the Planning Commission explained the reason the Commission chose to recommend the smaller set backs. Jim stated the builder would be required to provide a parking pad next to the garage in order to alleviate some of the problems of parking on the street. He stated the people who purchased the lots inherited some smaller lots but they still want to build higher quality homes and cutting down the set back by six feet would allow for the nicer homes. Jim told the Council this change would include any other R-1 zone.

DISCUSSION ON RECOMMENDATION TO CHANGE SET BACKS IN AN R-1 ZONE

Shane Mayberry said the builder may have inherited the smaller lots but they knew what they were getting when they

purchased them. He stated that adding a parking spot next to the garage would cut down on green space.

Lorna Mayberry said you degrade the value of homes when you try and squeeze so many houses so close together with no parking.

Mr. Mayberry showed pictures of other subdivisions in the area with smaller lot sizes and how congested the parking is. Mr. Mayberry thought the Council needed to change the Ordinance to require larger lot sizes and not smaller set backs.

Mr. Heitz, owner of lots in Sunstone, said that a six foot smaller set back in the front is not going to turn Sunstone into a Bonnie Lass subdivision (subdivision shown in pictures) and he said their intention is not to devalue Sunstone, they are invested in it and want to increase the values. Mr. Heitz said combining lots will not solve their problem because it is the depth of the lot that is the problem and not the width.

Chris Hoem told the Council that he went out and measured the set backs in the Bonnie Lass subdivision and said the problem in that area is not the set backs but the width of the street.

Mayor Baker called an end to the public comments at this time in order to begin a public hearing that was scheduled for 8:00 p.m.

Dan Olsen **moved** to open a public hearing at this time to discuss a re-zone request made by Bruce Cook. Robert Hall **seconded** the request. The motion passed with all voting aye.

***PUBLIC HEARING FOR
REZONE REQUEST BY
BRUCE COOK***

Chris Hoem explained that a request has been made to rezone property from C-1 Commercial to RA-1 Residential Agriculture (the parcels proposed to be rezoned from C-1 Commercial to RA-1 Residential Agriculture are: 06:047:0025, 06:047:0033, 06:047:0027, 06:047:0030, 06:047:0043, 06:047:0032, and a 300 ft strip along the Eastern border of 06:047:0031 and 06:047:0044, including 2900 South and 3000 South on the East side of Highway 40. He pointed out that there are currently homes in this area and the property is currently owned by the Cook family and the Madsen family. Chris said the Planning Commission recommends the zone change because it matches the zone to the east of it and it would be contiguous with a less

intensive use. Councilman Long asked about the buffer between commercial and residential. Chris explained those are provided when development starts to take place. He said zones are always going to touch somewhere and if the commercial development were to move in that direction then the buffers would be provided as the development takes place. Councilman Long said this change will take away from the Commercial zone. Chris said this is a very small area and is only about a three hundred foot strip and most of the area already has houses.

Jim Richards of the Planning Commission explained why the Planning Commission made the recommendation to approve the change. He said homes were already proposed in that area in the General Plan and it would only be a small slice out of the commercial zone.

Bruce Cook addressed the Council and said he understands the Council's position when land owners want to come in and change the zoning of property when property values are changing. He said that isn't the case here, he just wants to build a house on this piece of property. He pointed out that the Downtown Development Plan shows residential housing in the area they are discussing but the Council wouldn't be able to do that because it is zoned commercial and would have to be changed to accommodate that in the future. There were no other public comments about the rezone request.

Dennis Long **moved** to go out of the public hearing. Robert Hall **seconded** the motion. The motion passed with all voting aye.

Dan Olsen **moved** to approve Ordinance 12-137 amending the Naples City zoning map and approving the requested zone change from C-1 Commercial to RA-1 Residential Agricultural. Robert Hall **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

***A P P R O V A L O F
O R D I N A N C E 1 2 - 1 3 7
C H A N G I N G N A P L E S
Z O N I N G M A P***

Police Department - Chief Watkins asked approval to attend the Chief's Conference in St. George and travel

T R A V E L A P P R O V A L

expenses in the amount of \$475.89. Chief Watkins also asked approval to send Kim Kay to the TAC Conference in St. George with travel expenses of \$415.88. Chief Watkins also reported that Manny Escoto would be attending training with all expenses covered except for \$90 per diem. Robert Hall **moved** to approve the travel requests with expenses in the amount of \$981.77. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Chief Watkins requested approval to purchase a new ballistic vest for Corporal Cox. He explained that over time the vests expire or weaken and that is the case with Corporal Cox's vest. Chief Watkins stated he is usually able to purchase vests with grant money but they don't have any grant funds available right now and this purchase will come from their equipment fund budget. He stated the vest will cost around \$850. Dennis Long **moved** to approve the purchase. Kenneth Reynolds **seconded** the motion. The motion passed as with a roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

***REQUEST TO PURCHASE
BALLISTIC VEST***

Chief Watkins explained to the Council that the Department received grant funding to pay for a surveillance camera. He stated they received enough money to purchase the camera but were short of funding to build a box to house the camera and to equip it with a solar package. Chief Watkins asked for approval to expend \$1,114.45 of their equipment budget to finish outfitting the camera. Dennis Long **moved** to approve the expenditure. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

***REQUEST APPROVAL TO
PAY ADDITIONAL FUNDS
FOR SURVEILLANCE
CAMERA***

Jim Harper asked the Council for approval to expend funds to sand blast and paint the older dump truck. Jim explained that the sand has worn the paint and the dump bed is starting to rust. Councilman Hall wanted to know how old the truck was. Jim said it was a 2005 but has very low miles. Councilman Long wanted to know if the rust has worn all the way through any where. Jim said he has not noticed any place but wouldn't know for sure until they started to sand blast. Councilman Reynolds asked about the budget. Jim stated they did budget for this expenditure. Kenneth Reynolds **moved** to approve the request. Dennis Long **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

***REQUEST APPROVAL TO
SAND BLAST DUMP AND
PAINT DUMP TRUCK***

Craig Blunt explained to the Council that in his efforts to obtain funding for the Hwy 40 street lighting project, Naples City was placed on the CIB agenda for March 1, 2012 to present the City's request. Craig stated he would like to push the meeting back a month or so in order to meet with UDOT officials when they come on March 8, 2012. Craig was seeking travel approval to attend the March 1st meeting just in case he can't reschedule it and wants the Mayor to attend also.

***APPROVAL TO ATTEND
CIB MEETING FOR
STREET LIGHT PROJECT***

Shane Mayberry asked what the City was planning with the street lights and if it would be neighborhood friendly lighting. Craig said the project would be to place LED lighting down Hwy 40 and stated the City tries to make sure they don't infringe on any neighborhoods with lighting. Craig also explained what type of lights they are trying to purchase.

Mayor Baker stated they want the lights to help with safety along Hwy 40. He said when it rains it is very hard to see the painted lines. Robert Hall **moved** to approve travel expenses for the Mayor and Craig to attend the meeting if needed. Dan Olsen **seconded** the motion. The motion passed with the following roll call.

Robert Hall	Aye
Dan Olsen	Aye

Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Craig Blunt gave the Council the findings of UDOT's traffic signal light study on 2500 South. Craig explained that he spoke with one of the Engineer's from UDOT and explained that many people avoid using the intersection of 2500 South because it is so difficult to cross. Craig said UDOT agreed to come out on March 8, 2012 to do a field study on 2500 South. Craig stated the City has been proactive in trying to avoid crashes there by extending the red painted curbs but it works against them in these studies.

***UPDATE ON TRAFFIC
SIGNAL LIGHT STUDY AT
2500 SOUTH***

Craig Blunt said he would like to discuss the matter of setting up a Commercial Development Agency (CDA) after the closed meeting. Dan Olsen **moved** to table this discussion until after item nineteen. Robert Hall **seconded** the motion. The motion passed with all voting aye.

***SET UP ECONOMIC
DEVELOPMENT
ASSOCIATION***

Chris Hoem explained that he received some wording changes to Chapter 02-24 from Dennis Judd right before the meeting and he reviewed those with the Council. Chris said Mr. Judd recommended changing one-family dwelling to single-family dwellings throughout this chapter, to change interior lots to interior lots (non-corner lots), and to change special interior lots to reduced set back lots. Chris said with the new parking pad requirement for the smaller lots in an R-1 zone, owners would not be able to receive their certificate of occupancy without that space. Chris said he made the changes in the Commercial zone discussed at the last Council meeting. Chris stated he also changed the height requirement to fifty-five feet unless the Council wants to leave it open. Mayor Baker stated the City has a company that wants to build a four-story hotel in the area and that is why the recommended change to the height restrictions.

***REQUEST APPROVAL OF
ORDINANCE 12-136
AMENDING CHAPTER 02-
24 & 02-26 OF LAND USE
ORDINANCE***

Shane Mayberry said the Council needed to be careful about changing the complexion of the City because overtime you change what the vision for the City was in the first place. Mr. Mayberry said when government expands itself then you need more funds.

Mayor Baker said the changes in the two chapters are bundled into one Ordinance and if they approve the Ordinance they are approving the changes presented. Councilman Reynolds said he can't see how they can make

a comparison to the Bonnie Lass Subdivision because the set backs aren't the same or the width of the roads. Councilman Reynolds also thought they should do parking enforcement in subdivisions and they should have home owners sign stating they understand the parking restrictions, if there are any. Councilman Reynolds said not everyone is the same, some people want the smaller lots and the City needs to provide for that. Councilman Reynolds **moved** to approve the changes presented and recommended by the Planning Commission. Councilman Long said he wouldn't second the motion because he doesn't see people using the additional parking space on the side for personal vehicles, he sees them using it to park their boat or RV's. Council members also didn't want to make the police do parking enforcement. Mayor Baker asked if there was a second to Ken's motion. The motion **died** for lack of a second. Councilman Long wanted to know if anything else could be done with these suggested changes. Council members talked about changing the rear set back to twenty feet.

Mr. Heitz said they are just trying to create a better product for the City. He doesn't think the request is unreasonable to change the set backs. He said the houses will not be as nice but they will work with it.

Mayor Baker asked if any of the Council members have a problem with the proposed changes in the C-1 zone. Robert Hall **moved** to approve the proposed changes to the C-1 as Ordinance 12-138. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Council members discussed leaving the front set back in an R-1 zone at thirty feet and reducing the rear set back to twenty feet. Mr. Heitz wanted to know if the concern was off street parking or is it the proximity to the sidewalk. Councilman Olsen and Mayor Baker said it was the proximity to the sidewalk. Mayor Baker said it's very hard to park without blocking the sidewalk even with a thirty-foot front set back. Mr. Heitz thought that was covered by the additional parking to the side. Mayor Baker said he doesn't think it will be used for parking cars but for RV and boat parking. Dan

Olsen **moved** to leave the front set back at thirty feet, change the rear set back to twenty feet and leave the sides at eight and twelve feet and to adopt those changes as Ordinance 12-136. Dennis Long **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Nay
Gordon Kitchen	Absent

Councilman Kitchen asked the Council at the previous meeting to consider waiving the business license fee for the Naples Splash Park. Kenneth Reynolds **moved** to approve waiving the business license fee for Naples Splash Park. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

***APPROVAL TO WAIVE
BUSINESS LICENSE FEE
FOR NAPLES SPLASH
PARK***

Robert Hall **moved** to go into a closed session at this time to discuss the sale of real property. Dennis Long **seconded** the motion. The motion passed with the following vote:

CLOSED SESSION

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Absent

Present in the closed session were: Dean Baker, Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynolds, Craig Blunt, Chris Hoem, and Nikki Kay

Kenneth Reynolds **moved** to go out of the Closed Session. Dennis Long **seconded** the motion. The motion passed with all voting aye.

***MOTION TO RECONVENE
BACK INTO REGULAR
SESSION - MOTION TO
CREATE A CDA***

Dennis Long **moved** to return to item fifteen, the discussion to create or set up a Community Development Agency (CDA). Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

Robert Hall **moved** to have Craig Blunt proceed with the steps to set up a CDA and to borrow the money to do so from Redevelopment Agency #1. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Councilman Hall said Vernal City and Uintah County are moving forward with property acquisition to the west of the airport. Mayor Baker wanted to know if the plans have been finalized. Councilman Hall said the County has met with the attorneys to begin the process. Councilman Hall said the Engineer for the project told him that Naples City is not a central part of the discussion and didn't feel that the concerns presented to them from the City were relevant. The Engineer said the City needed to understand that the airport wasn't going to move. Councilman Hall thought it would be a good idea to have the project Engineer come to City Council and explain what is being proposed and the impact to the City. Craig Blunt said the City's ordinance requires, with any development, that the developer go through the Planning Commission to get approval. Councilman Hall said they would be willing to come but he thinks they ought to be accountable to come and explain the plan and how it involves Naples. Mayor Baker wanted to know how the City protects their tax base if the airport comes in and buys up Commercial property. Councilman Hall said he has the feeling that the airport will proceed with their plans and deal with the City later. Craig Blunt recommended the Council have Dennis Judd send a letter with their concerns that they are ignoring the potential impact to the City. Craig said the steps would be to meet with the Planning Commission and then have a second meeting with the Council. Mayor Baker wanted to know if a letter needed to come from the City saying that they understand they are moving forward with the airport and let them know they need to meet with the Planning Commission before moving forward with any development. Mayor Baker said they can include an invitation for the project Engineer and the Airport Advisory Committee to meet with the Council and Planning Commission.

OTHER MATTERS

With no other business before the Council, Robert Hall moved to adjourn the meeting at 10:00 p.m. Dennis Long seconded the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 8th DAY OF MARCH 2012

BY: _____

ATTEST: _____